



Policy: 2102
Procedure: 2102.02
Chapter: Procurement
Rule: General Purchasing Procedures

12/10/08
Effective:
Replaces: 2102.02
Dated: 07/26/07

Purpose:

All Arizona Department of Juvenile Corrections (ADJC) employees shall comply with the Arizona Procurement Code and its rules and regulations for the purchase of all products and services.

Rules:

1. **ADJC EMPLOYEES** shall not make direct purchases for the agency unless authorized as outlined in Procedure 2102.06 Purchasing Card Procedures. Prior to the ordering of any material or service, **ADJC EMPLOYEES** shall submit a purchase requisition, in the manner approved by the Procurement Administrator, to the applicable Procurement Officer.
2. If an employee fails to follow the above process, **ADJC** shall:
 - a. Deny payment for the material or service ordered for failure to follow the above process;
 - b. Hold the ADJC employee who ordered or caused the material and/or service to be personally responsible.
3. Upon receipt of a Purchase Requisition (PR), an **ADJC PROCUREMENT OFFICER** shall:
 - a. Utilize any existing Arizona State or agency contract for the item and services covered by such contract;
 - b. Determine the applicable source selection method for procurement, estimating the aggregate dollar amount of the contract and ensuring that the procurement is not artificially divided, fragmented, or combined to circumvent the Arizona Procurement Code.
 - i. If the procurement exceeds the delegated authority of the ADJC Procurement Officer, the **ADJC PROCUREMENT OFFICER** shall forward the procurement to the Central Procurement Office for completion;
 - ii. The **ADJC PROCUREMENT OFFICER** may request specific authority to complete the project by submitting a written request to the ADJC Procurement Administrator.
 - c. Not award a contract or incur an obligation on behalf of the state unless sufficient funds are available for the procurement in accordance with ARS §35-154.
 - i. If it is reasonable to believe that sufficient funds will become available for procurement, the **ADJC PROCUREMENT OFFICER** shall issue a notice with the solicitation indicating that funds are not currently available and that any contract awarded will be conditional upon the availability of funds (Arizona Administrative Code [AAC] R2-7-A301[D]).
4. If an ADJC employee believes that an Arizona State or agency contract does not satisfy its requirements, the **ADJC EMPLOYEE** may only procure the item or service from another source with the written approval of the ADJC Procurement Administrator. The **ADJC EMPLOYEE** shall request this approval by the completion and submittal of the Off-Contract Purchase Authorization Request form to the ADJC Procurement Administrator.
 - a. The **ADJC PROCUREMENT ADMINISTRATOR** shall:
 - i. Issue written approval with any conditions or restrictions;
 - ii. Request additional information from the employee; or
 - iii. Deny the request.
5. Only the **ADJC PROCUREMENT ADMINISTRATOR** has the authority to issue determinations for the following:
 - a. Sole Source Procurements. Used when a material or service is procured without competition, when there is only a single source for the material or service, or no

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reasonable alternative exists. An **ADJC EMPLOYEE** may request a sole source procurement by submitting the Procurement Authorization Request Form to the ADJC Procurement Administrator that includes the following information:

- i. A description of the procurement need and the reason why there is only a single source available or no reasonable alternative exists;
 - ii. The name of the proposed supplier;
 - iii. The duration and estimated total dollar value of the proposed procurement;
 - iv. Documentation that the price submitted is fair and reasonable in accordance with AAC R2-7-702; and
 - v. A description of efforts made to seek other sources.
- b. Emergency Procurements. Used for procurements exceeding \$50,000 and when there is an immediate and serious need for materials, services, and/or construction that cannot be met through normal procurement methods, or there exists a serious threat to the functioning of state government, the preservations and protection of property, or the health and safety of a person.
- i. During normal working hours, the **ADJC EMPLOYEE** shall contact the ADJC Procurement Administrator or his/her designee immediately for approval and processing of the emergency purchase.
 - (1) If an emergency purchase is required after hours or on a weekend, delegated **BUSINESS MANAGERS OR THEIR DESIGNEES** may authorize an emergency purchase. When such an emergency purchase is made, The **PURCHASER** shall notify the ADJC Procurement Administrator on the first normal workday following the emergency.
 - ii. When time permits, an **ADJC EMPLOYEE** may request an emergency procurement by submitting the Procurement Authorization Request Form to the ADJC Procurement Administrator that includes the following information:
 - (1) A description of the procurement need and the reason for the emergency;
 - (2) The name of the supplier;
 - (3) The duration and estimated total dollar value of the procurement;
 - (4) Documentation that the price submitted is fair and reasonable in accordance with AAC R2-7-702.
 - iii. For emergency procurements of \$50,000 or less the **ADJC EMPLOYEE** shall fully document the emergency with the above noted information and send to the applicable Procurement Officer with 72 hours of the purchase.
 - (1) If the request exceeds the delegated procurement authority of the Procurement Officer receiving the request, the **PROCUREMENT OFFICER** shall forward the request to the ADJC Procurement Administrator.
- c. Competition Impracticable Procurements. Used when a procurement requirement exists, exceeding \$50,000, which makes compliance with ARS §§41-2533 (Invitation for Bids), 41-2534 (Request for Proposals), 41-2538 (Competitive Selection Process for Clergy, Physicians, Dentists, Legal Counsel, or Certified Public Accountants), or 41-2578 (Specified Professional and Construction Services) impracticable, unnecessary, or contrary to public interest, but which is not an emergency as defined above.
- i. An **ADJC EMPLOYEE** may request a competition impractical procurement by submitting the Procurement Authorization Request Form to the **ADJC PROCUREMENT ADMINISTRATOR** including the following information:
 - (1) An explanation of the competition impracticable need and the unusual or unique situation that makes compliance with ARS §§41-2533, 41-2534, 41-2538, or 41-2578 impracticable, unnecessary, or contrary to public interest;
 - (2) A definition of the proposed procurement process to be utilized and an explanation of how this process will foster as much competition as is practicable;
 - (3) An explanation of why the proposed procurement process is advantageous to the state; and
 - (4) The scope, duration, and estimated total dollar value of the procurement need.

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- ii. For impractical procurements of \$50,000 or less, the **PROCUREMENT OFFICER** shall fully document the impractical procurement with the above noted information.
6. In response to requests submitted as identified in Rule 5, the **ADJC PROCUREMENT ADMINISTRATOR** shall:
- Issue written approval, with any conditions or restrictions;
 - Request additional information from the employee; or
 - Deny the request;
 - Maintain written documentation regarding the nature and disposition of each request pertaining to the delegations;
 - Within 15 days of September 30, December 31, March 31, and June 30 furnish a written report to the ADOA State Procurement Office disclosing the number of each of above requests and disposition of each of the above delegations. The report will identify those requests that exceed the amount prescribed in ARS §41-2535.

Signature Date

12/10/08

Approved by Process Owner

Diann Patterson, Procurement Administrator

Effective Date

12/10/08

Approved by

Michael D. Branham, Director